

Report Date: April 17, 2008

**United States District Court**

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

for the

APR 18 2008

**Eastern District of Washington**

JAMES R. LARSEN, CLERK  
RICHLAND, WASHINGTON DEPUTY

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**  
*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: Barry Talley

Case Number: 2:06CR00019-001

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea

Date of Original Sentence: 11/30/2006

Type of Supervision: Supervised Release

Original Offense: Possession of Child Pornography,  
18 U.S.C. § 2252A(a)(5)(B)

Date Supervision Commenced: 11/21/2007

Original Sentence: Prison - 12 Months;  
TSR - 36 Months

Date Supervision Expires: 11/20/2010

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**PETITIONING THE COURT**

To modify the conditions of supervision as follows:

- 25 You shall not utilize any electronic communication device except as explicitly allowed by the supervising probation officer.
- 26 You shall not possess or use any computer with access to any Internet/on-line computer service without the advance approval of the supervising probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.

**CAUSE**

On April 2, 2008, Barry Talley submitted to a polygraph examination with Polygraph Intelligence Service in Spokane, Washington. It was determined after completing the polygraph and also by admissions made by Mr. Talley that he has been viewing pornographic movies and has viewed pornographic XXX rated material on his computer since his placement on supervised release. Also, of other concern is the fact that he has admitted to consuming two to three whiskey drinks per night. These are in direct violation of his terms of supervision.

Given the above information, a search of the defendant's residence was conducted on April 4, 2008, by the U.S. Probation Office. During the search, miscellaneous video tapes and CD/DVD's were located. However, review of the material did not reveal any pornographic images. Also located during the search of the residence was a box of rifle ammunition and alcohol. Mr. Talley volunteered to discard the alcohol while this officer was present and the ammunition has been seized and will be destroyed. He reported that prior to the search being conducted, he had removed all pornographic materials that he had previously possessed and had given his computer to a family member.

\* Prob 12B

**Re: Talley, Barry**

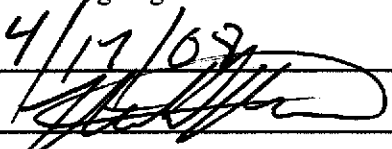
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Mr. Talley has been verbally reprimanded for his noncompliant actions and for the possession of prohibited items. He agreed to the above modification of conditions. He continues with mental health counseling and sex offender treatment, as directed. The imposition of the above conditions will assist in monitoring the defendant's actions in the community and also contribute to a more conducive environment for the defendant to address his sex offender issues.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on:

4/17/08  


Richard B. Law  
U.S. Probation Officer

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**THE COURT ORDERS**

- ☐ No Action  
☐ The Extension of Supervision as Noted Above  
☒ The Modification of Conditions as Noted Above  
☐ Other



Signature of Judicial Officer

4/18/08

Date

# United States District Court

Eastern District of Washington

## Waiver of Hearing to Modify Conditions of Probation/Supervised Release or Extend Term of Supervision

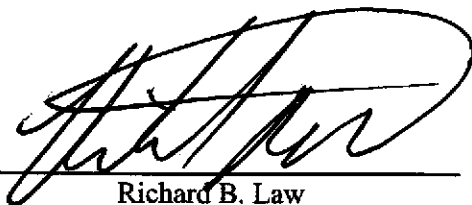
I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows:

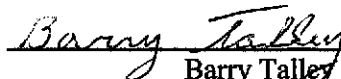
25. You shall not utilize any electronic communication device except as explicitly allowed by the supervising probation officer.
26. You shall not possess or use any computer with access to any Internet/on-line computer service without the advance approval of the supervising probation officer. This includes any Internet service provider, bulletin board system, or any other public or private computer network.

Witness:



Richard B. Law  
U.S. Probation Officer

Signed:



Barry Talley  
Probationer or Supervised Releasee

April 10, 2008

Date